Nada Smith

that's what he told me. I'm not sure if he did or did not. And he stated that he was upset because he was overcharged on his loan.

Q. Do you remember a time when Mr. Gabrys was in Julio's office that you would have been coming and going from the office?

A. No.

Q. Do you remember Julio ever asking you to fax things to a woman named Rebecca?

A. No. Like I said, I faxed things here and there to the banks, and if he asked me to make a copy of something, you know, I did so. But I don't remember faxing anything to Rebecca.

Q. Do you know of anyone named Rebecca in relation to what New York Motor Group did or Mr. Estrada did?

A. No, I don't know. I heard the name, but I just -- I never questioned anything. I don't know who she is, or I don't know anything.

Q. How did you hear the name?

A. Through Julio.

Q. What would he say about Rebecca?

Nada Smith

A. I know that he said he was going to call her or something, but that's it. I don't really remember too much about it, you know. I know that he kept saying, "Oh, I'll call Rebecca, I'll call Rebecca." It wasn't just with him. I don't think -- I think it happened once before, but I'm not too sure about it.

Q. When you say "him" --

A. Julio.

Q. Right. Just now you were saying that you remembered hearing Julio mention Rebecca a few times, and not just with him?

A. Not just with Simon.

Q. Mr. Gabrys?

A. Yes.

Q. You do believe that you heard Julio mention Rebecca to --

A. Other clients.

Q. You did mention that you heard Julio mention Rebecca to other customers?

A. I believe so. I'm not too sure if he mentioned it with Simon or not, but I know that he did mention her -- Rebecca, the name

Nada Smith

Rebecca -- a few times.

Q. Did you ever talk to Julio about who Rebecca was?

A. No. I know that she -- I don't know. I don't think she was existent, honestly. I don't know.

Q. Why do you think she didn't exist?

A. Because I know that he had, a client had said something -- "I don't think he's really talking to anyone." I never questioned it. I never really, you know.

Q. Did you ever see him pick up the phone and make like he was calling Rebecca?

A. No. I know that he said he was going to call, but I never really witnessed anything.

Q. Do you have any memory of Julio giving you documents to fax for Mr. Gabrys?

A. I don't -- I barely remember Mr. Gabrys. I barely had any interaction with him. When he always came into the dealership, he just went straight to Julio. I can't say that I can clearly remember. I don't think I -- I don't know. I can't clearly remember faxing anything for him specifically. But if I was asked to fax something to the bank, he would show me on the document what needed to be faxed -- like a document from the bank needed to be faxed to the bank, and he would show me what it is and tell me, "here." And he would highlight the number on the document where the number shows and I would go and fax it.

MR. SIMON: I just want you to clarify your answer to his questions.

MR. LANE: No, please. Thanks. Don't advise her on how to answer the question.

MR. SIMON: The bottom line is I'm confused, because she uses an expression, "he," and I don't know who "He" is -- is it Gabrys, is it Julio? Who is "he"?

MR. LANE: Simon, this is my deposition. If I want to know that information, I will ask it. Please refrain from interrupting. If you have an objection, make your objection.

MR. SIMON: Listen to the question

Nada Smith

and answer his question and focus on his question, okay?

THE WITNESS: Okay.

MR. LANE: Could you read back the last question and answer.

(The record is read back by the reporter.)

Q. Do you remember having any conversations with Simon Gabrys?

A. Just that one time to follow up with him -- with Mr. Gabrys.

Q. Did you call him to speak to him?

A. I believe he called to speak to Julio and -- actually, no, I called him to follow up with him, because he had walked out of Mr. Julio's office and he wasn't -- he didn't -- Mr. Gabrys didn't seem too happy. So I had went and pulled his file to give him a call to follow up.

Q. Do you remember when that was?

A. I don't remember exactly when it was.

Q. Okay. Do you remember Mr. Gabrys ever telling you that Julio had ripped him off?

Nada Smith

A. Yes, Mr. Gabrys stated that he did get ripped off.

Q. He used those words; that he was "ripped off"? Does that sound right?

A. I know that he was overcharged. I don't know exactly what.

Q. Let me move on. Do you know who Boris Freire is? Does that name sound familiar?

A. It sounds familiar, but I don't know.

Q. Mr. Freire is my client and one of the other plaintiffs. He and his partner, Miriam Osorio, were at the dealership several times in the summer of 2013.

A. Okay.

Q. I'm trying to think of other information that might refresh your memory. They're a Hispanic couple from New Jersey with three or four children, I forget exactly, but the children would have always been with them when they came to the dealership.

A. What kind of vehicle did they buy?

Q. It was an Odyssey, a Honda Odyssey

minivan.

A. I remember seeing them, but they always walked in and spoke to Julio. I didn't know what was going on with them. They were Spanish, and they spoke to each other in Spanish -- Julio and the client.

Q. You do remember who this couple is?

A. I believe so, yes.

Q. In your memory, they only spoke Spanish with Julio Estrada?

A. Julio, yes.

Q. Do you have any memory of them speaking in English with anyone in the dealership?

A. They always came in and spoke to Julio.

Q. Did they ever speak to you at the dealership?

A. No. I don't -- I don't remember, honestly.

Q. Do you ever remember seeing Mr. Freire give money or checks to Julio Estrada?

Nada Smith

A. No.
Q. Do you have memory of that?
A. No.
Q. When did Julio Estrada stop working at New York Motor Group?
A. December of 2013.
Q. Were you still working there when Julio left?
A. Yes.
Q. Why did he leave?
A. I'm not sure. He just -- he left. Him and my father were speaking to each other, and he just told my father that he was leaving. I don't know what the reason was. He just left.
Q. You witnessed a conversation between Julio and your father?
A. No. They were just -- to my acknowledgment, I know that he spoke to my father and just left.
Q. So you didn't witness a particular conversation between Julio Estrada and your father?
A. No. When he was getting his stuff

Nada Smith

to leave he said, "I spoke to your dad. I'm leaving."

Q. And what month was that?

A. December.

Q. Of 2013?

A. Yes.

Q. Did you talk to your father about Julio Estrada leaving?

A. No, because I was -- I had my own things going on. I had a lot of things going on.

Q. Did you continue working at New York Motor Group until the end of December 2013?

A. Either the middle or the end. Yes, toward the end. I would say probably the second-to-last week.

Q. Do you know Zhenghui Dong? Does that name sound familiar?

A. I know they're Chinese, because of the name.

Q. That's correct. Do you ever remember speaking to a Chinese customer who was complaining about Julio?

Nada Smith

A. What kind of vehicle did they purchase?

Q. Honda Civic.

A. They came in.

Q. You remember cars, and not necessarily names or faces?

A. Yes. They came in and they spoke to Julio. They came in I believe three times and every time they would go in and speak to Julio. I never spoke to them. They came complaining to me. Then Julio came and said, "I'll handle this," and he took them into his office.

Q. You say that you remember Ms. Dong coming in with someone else?

A. Yes. I don't remember who exactly. I don't know if it was a male or a female, but I know she was with someone else.

Q. They would approach you first?

A. They came in a few times. But the time that they came in to complain, they came to me. Then Julio spotted them and he came over and said, "I'll handle this. I know what their issue is." And Mr. Julio took the clients into his office.

Q. Do you remember Zhenghui Dong coming to complain to you at any time after Julio Estrada stopped working?

A. No. When he left -- a week or two after he left, I left.

Q. Do you remember if the police ever came at a time when Ms. Dong was there?

A. I don't remember.

Q. So you don't have a memory of speaking to the police about Zhenghui Dong's Honda Civic or her complaints?

A. No, I don't remember.

Q. Do you remember anybody ever complaining that their signature was forged on a contract?

A. No. Wait, I'm sorry. I remember a client saying that, yes, it was forged. I believe it was -- yes, it was them.

Q. "Them" being?

A. They said -- Mr. Dong -- Ms. Dong, yes. Ms. Dong did complain that her signature was forged. But I'm not sure what the case was, because she was speaking to Mr. Julio and

Nada Smith

Julio was talking to her the whole time and everything. But at that moment, I didn't know. Afterwards, that's when I knew that she was complaining about that.

Q. Okay.

A. Because like I said, when Ms. Dong came to complain to me, Mr. Julio said, "I got her." And I didn't see her after that. After I left and everything, something was mentioned about her signature being forged. That's why she came in to complain to begin with.

Q. I'm sorry, I got confused there. I'm trying to follow.

A. At the moment when she came to complain, I didn't know what the complaint was.

Q. Could you hear her talking to Julio Estrada?

A. No.

Q. Do you know, do you remember, was she speaking in English with Julio Estrada?

A. She barely spoke English. She had a very hard time speaking English. I had a very hard time understanding her myself and that's why Julio said, "I'll handle it." I

Nada Smith

barely spoke to her.

Q. Did you have anyone at New York Motor Group who spoke Chinese?

A. No.

Q. Not at all?

A. Oh, yeah, we did. We had someone named Kevin.

Q. Kevin?

A. He was working there for a short period of time.

Q. Do you remember if Kevin would go into the room with Julio and Ms. Dong?

A. I don't think he was working during the time that I saw her coming in. When I saw her coming into the dealership, I don't think I saw him. I don't think Kevin was working at that time.

Q. I had also asked you about Shehad Kazi and Nasrin Chowdhury before?

A. Yes.

Q. The mother and son.

A. Yes.

MR. LANE: I just want to show you some things from Ms. Chowdhury's transactions. Mark these as exhibits.

(One-page document, a photocopy of a money order, is marked as Plaintiff's Exhibit 9 for identification, as of this date.)

Q. There have been several questions now about your handling of money versus other employees handling money. If I'm not mistaken, you had said that you would handle refunds for downpayments?

A. I made deposits for downpayments. And if a client put money down to hold a vehicle, that's the refund that I would give.

Q. If there was going to be a refund, you would return the downpayment?

A. For the vehicle, yes.

Q. Did you ever give clients money for any other purpose -- or customers? Did you ever give money to customers as a refund for anything other than deposits?

A. No.

Q. Did you ever give customers refunds if they were complaining about products that they didn't want?

Nada Smith

A. No.

Q. Did you ever refund anybody anything for service contracts that they didn't want?

A. No.

MR. LANE: We need to mark these as different exhibits.

(One-page documents depicting copies of money orders, two money orders per page, are marked as Plaintiff's Exhibits 10 and 11 for identification, as of this date.)

Q. I'm going to give you what have been marked as Plaintiff's Exhibits 9, 10 and 11. Just take a look at them for me.

MR. SIMON: Do you have questions?

MR. LANE: I will, yes.

Q. Are you all set?

A. Mm-hmm.

Q. Do you have any idea what those are?

A. Money orders.

Q. Right. I just note that they're made out to Nasrin Chowdhury.

Nada Smith

A. Yes.

Q. Do you have any idea why money orders were made out to Nasrin Chowdhury?

A. No.

Q. Let me just get the copies in front of me. On Plaintiff's Exhibit 9, do you recognize whose handwriting is on the money order?

A. No, but I recognize the signature; that's Julio.

Q. That's Julio's signature as far as you can tell?

A. Yes.

Q. On Exhibit 10, do you recognize the handwriting on the top money order?

A. No. But, as well, that's Julio's signature.

Q. Do you recognize the handwriting on the bottom money order?

A. No. And I don't know whose signature that is.

Q. You don't recognize that signature at all?

A. No.

Nada Smith

Q. Looking at Exhibit 11.

A. Mm-hmm.

Q. Do you recognize the handwriting on the top money order?

A. No. The signature is Julio.

Q. And on the bottom --

A. The same one.

Q. -- money order?

A. No. But the signature is Julio.

Q. And you don't recognize the handwriting on these money orders?

A. No.

Q. That's not your handwriting?

A. No.

Q. Did you ever make out money orders for customers?

A. No. I'm just trying to look and see if I could, you know, recognize them. Just the signature. But not on Exhibit 10. The bottom one, I don't know.

Q. Was there anybody else at the dealership who would be issuing money orders?

A. I don't know why they would be, to begin with; but I'm guessing that Julio took money from them and gave it back to them. When I gave clients refunds, I only gave them checks. That was the company policy.

Q. What accounts were those checks drawn on?

A. Either Chase or TD.

Q. New York Motor Group?

A. The New York Motor Group accounts, yes. And I had to get my father's approval also, before I gave the check out or anything.

Q. Did Julio ever ask you to return money to customers?

A. No. Salespeople. Because the salesperson would come in here and tell me, "This client's not interested in this vehicle anymore. He wants to take his hold back to hold the vehicle." Because when clients come to look at vehicles, if the client was interested he would either leave a $100 or $200 deposit toward the vehicle to hold the vehicle. And if he's no longer interested in the vehicle he'll come report to the salesperson or the sales manager, and the sales manager or the salesperson will come and tell me, "This

Nada Smith

client's not interested in the vehicle anymore. He wants a refund."

Q. Could people get those refunds back?

MR. LANE: Strike that.

Q. Could people get those deposits back just by asking for it?

A. Well, they would have to show a -- the client would have to show a receipt.

Q. The receipt they received when they put down the two or three hundred dollars?

A. Exactly.

Q. And those deposits were not sales deposits, but deposits just to hold the car?

A. Yes, and whatever downpayment the client is giving -- we would subtract it from the downpayment. For example, if the client came to put $100 to hold the vehicle and his downpayment is $1100, the client would only put down $1000.

Q. Right. You credit whatever --

A. Yes.

Q. -- whatever they left to hold the car?

Nada Smith

A. Exactly.

Q. Do you know if people were able to get their deposit refunded if they didn't go through with the financing?

A. If they just put money down and not go through financing, yes, they would get their money back.

Q. Would they get a full refund?

A. Yes.

Q. This is a hypothetical: If I've put down $10,000 towards the purchase, and I sign the purchase order but I don't sign any loan documents, and then after the finance manager tells me either I've been declined for credit or I can only get credit on terms that I don't want -- if I was a customer at New York Motor Group, would I then be able to say, "I just want to walk away. Can I have my money back? I'm not going to buy a car here"?

A. Yes.

Q. And New York Motor Group would refund the money in that situation?

A. Yes.

Q. One hundred percent?

Nada Smith

A. Yes. I refunded the client's money all the time.

Q. Go ahead.

A. If they had a check, I would give the check to the client back. I would give the client's check back to him.

Q. When you say, "if they had a check," what do you mean?

A. If the client had a check for a downpayment for the vehicle and gave it to me and said, "I don't want the vehicle anymore," I would give them back their original check.

Q. And that is if you had not already deposited that check?

A. Correct.

Q. If I were buying a car, if I were a customer at New York Motor Group and I had a $10,000 cashier's check or bank check and it was given over for the deposit, how long might that check sit in the office before it actually got deposited?

A. Well, I would go as soon as possible.

Q. Okay.